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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,544	01/31/2005	Brian Davidson	915-011-002-1	7521
4955	7590	06/13/2007	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			KARIKARI, KWASI	
		ART UNIT	PAPER NUMBER	
		2617		
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		06/13/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)
	10/523,544	DAVIDSON, BRIAN
Examiner Kwasi Karikari	Examiner	Art Unit
		2617
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
<p>THE REPLY FILED <u>10 May 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.</p> <p>1. <input checked="" type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</p> <p>a) <input checked="" type="checkbox"/> The period for reply expires <u>3</u> months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than <u>SIX MONTHS</u> from the mailing date of the final rejection.</p> <p>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p> <p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p> <p>NOTICE OF APPEAL</p> <p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p> <p>AMENDMENTS</p> <p>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because</p> <p>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p> <p>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</p> <p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p> <p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____. </p> <p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p> <p>7. <input type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> will not be entered, or b) <input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p> <p>The status of the claim(s) is (or will be) as follows:</p> <p>Claim(s) allowed: _____. </p> <p>Claim(s) objected to: _____. </p> <p>Claim(s) rejected: _____. </p> <p>Claim(s) withdrawn from consideration: _____. </p> <p>AFFIDAVIT OR OTHER EVIDENCE</p> <p>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p> <p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p> <p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p> <p>REQUEST FOR RECONSIDERATION/OTHER</p> <p>11. <input type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because:</p> <p>12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____. </p> <p>13. <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u>.</p>		

Continuation of 13. Other:

Response to Arguments

a. In the remarks, the Applicant argues (in reference to claims 40, 48 and 59) that the combination of Sasakura and Briffett fails to teach "control means arranged to effect a partial disablement of the device in response to the release of the releasable connector". However, the Examiner disagrees with such assertion. Sasakura discloses control means arranged to effect at least partial disablement of the device (cell phone 30 is disabled when separated for a predetermined distance, see col. 9, lines 7-29); but fails specifically to teach a release of a releasable connector connecting the device to a person. However, Briffett teaches a release of a releasable connector connecting the device to a person (connection between belt clip proximity unit 46 and the telephone proximity unit 16, see col. 4, lines 22-60; and Fig. 3-6).

b. In the remarks, the Applicant argues (in reference to claims 54 and 63) that Sasakura fails to teach "a controller arranged to effect partial disablement of the device in response to the unauthorized separation of the device and counterpart device. However, the Examiner disagrees with such assertion. Sasakura discloses a controller arranged (see col. 8, lines 10-32) to effect partial disablement of the device in response to the unauthorized separation of the device and counterpart device (cell phone 30 is disabled when separated for a predetermined distance, see col. 9, lines 7-29 and col. 3, lines 44-59; and communication between unit 10 and cell phone 30, see Fig. 1).

c. In the remarks, the Applicant argues (in reference to claims 46, 53, 58 and 62) that the combination of Sasakura, Briffett and especially Rohrbach fails to teach a cellular communications network and the control means is arranged to effect at least partial disablement of the device by sending a disabling message "to the network" instructing the network to disable normal operation of the telephone in the network. However, the Examiner disagrees with such assertion. Rohrbach teaches that the data communication circuitry 200 transmits a code to the communication network via the mobile station 100 and in response to receiving a disable command, the disabling circuitry 220 is operative to prevent operation of the SIM card in the network (see col. 4, lines 14-25, col. 5, lines 13-31 and Figs. 2 & 3; i.e., the mobile phone operates to prevent the use of the sim card after obtain a disable command which is known to both the phone and the communication system that grants operational access to the phone).

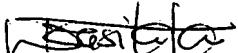
d. In the remarks, the Applicant argues (in reference to claims 65 and 67) that the combination of Sasakura and especially Decotignie fails to teach that the mobile telephone is capable of making emergency calls when it is partially disabled. However, the Examiner disagrees with such assertion. However, Decotignie teaches the use of a mobile telephone which is capable of making emergency calls when it is in blocking state (see Par. 0027 and Fig. 1).

With regard to the above remarks, the Final Office Action is been maintained. Any changes to further clarify the Applicant's invention would require further search and reconsideration.

e. Applicant agreed (during a telephic interview on the 06/07/2007) to amend and clarify the error concerning the claimed limitation "the counterpart and the counterpart device" both in the specification and in claims 59-62.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Pérez-Gutiérrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kwasi Karikari
Patent Examiner.
06/11/2007